

20646. Adulteration of dressed poultry. U. S. v. Ace Poultry Co., Inc., and Ross J. Cardinal. Pleas of guilty. Fine of \$50 against each defendant. (F. D. C. No. 33856. Sample Nos. 26320-L, 26321-L.)

INFORMATION FILED: March 11, 1953, District of Delaware, against Ace Poultry Co., Inc., Wilmington, Del., and Ross J. Cardinal, secretary-treasurer of the corporation.

ALLEGED SHIPMENT: On or about July 22 and 23, 1952, from the State of Delaware into the States of Pennsylvania and New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed poultry; and, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry, and in part the product of an animal, namely, poultry, which had died otherwise than by slaughter.

DISPOSITION: December 2, 1953. The defendants having entered pleas of guilty, the court fined each defendant \$50.

20647. Misbranding of canned spaghetti and chicken livers. U. S. v. 9 Cases * * *. (F. D. C. No. 34715. Sample No. 19673-L.)

LABEL FILED: February 20, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about November 3, 1952, by the Badger Fruit & Extract Co., from Kenosha, Wis.

PRODUCT: 9 cases, each containing 12 cans, of spaghetti and chicken livers at St. Paul, Minn.

LABEL, IN PART: (Can) "Net Weight 3 Lbs. 4 Ozs. Cloverblossom * * * Spaghetti & Chicken Livers."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Spaghetti & Chicken Livers" was false and misleading as applied to the article, which contained chicken organs which were not livers; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 3 Lbs. 4 Ozs." was inaccurate. (The article was short weight.)

DISPOSITION: June 19, 1953. Default decree of condemnation. The court ordered that the product be turned over to a charitable institution.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

20648. Adulteration and misbranding of Savita and wheat germ. U. S. v. Battle Creek Food Co. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 33736. Sample Nos. 10546-L, 10548-L.)

INFORMATION FILED: December 5, 1952, Eastern District of Michigan, against the Battle Creek Food Co., a corporation, Battle Creek, Mich.

ALLEGED SHIPMENT: On or about March 5, 1952, from the State of Michigan into the State of Illinois.

LABEL, IN PART: "Battle Creek Savita" and "Battle Creek Wheat Germ."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents had been in part omitted from the articles, namely, vitamin B₁ and iron from the Savita and vitamin B₁ and vitamin B₂ from the wheat germ.

Misbranding, Section 403 (a), certain statements on the labels of the articles were false and misleading. The label of the Savita represented and

suggested that an average teaspoonful (10 grams) would furnish 350 U. S. P. units of vitamin B₁ and 10 milligrams of iron and would supply 100 percent of the minimum daily adult requirements for vitamin B₁ and iron. An average teaspoonful of the Savita would furnish less vitamin B₁ and iron than represented and would supply less than 100 percent of the minimum daily adult requirements for vitamin B₁ and iron. The label of the wheat germ represented and suggested that the article contained, per ounce, .31 milligram of vitamin B₁ and .23 milligram of vitamin B₂; that 1 ounce of the article would supply 80 percent of the minimum daily requirement of vitamin B₁ for a child from 1 to 6 years of age; that 1½ ounces of the article would supply 62 percent of the minimum daily requirement of vitamin B₁ for a child from 6 to 12 years of age; and that 2 ounces of the article would supply 81 percent of the adult minimum daily requirement for vitamin B₁ and 23 percent of the adult minimum daily requirement for vitamin B₂. The wheat germ contained less vitamin B₁ and vitamin B₂ than represented and would supply smaller percentages of the minimum daily requirements for vitamin B₁ and vitamin B₂ than represented.

DISPOSITION: September 11, 1953. The defendant having entered a plea of nolo contendere, the court fined it \$1,000.

20649. Adulteration and misbranding of calcium phytate tablets and misbranding of various articles of drug. U. S. v. Inorganic Bioelements, Inc., and John F. Wischhusen. Pleas of nolo contendere. Fine of \$300 against each defendant. (F. D. C. No. 33751. Sample No. 18773-L.)

INFORMATION FILED: January 13, 1953, Northern District of Ohio, against Inorganic Bioelements, Inc., Cleveland, Ohio, and John F. Wischhusen, a director of the corporation.

ALLEGED SHIPMENT: On or about March 13, 1951, from the State of Ohio into the State of Iowa.

LABEL, IN PART: "Calcium IBI Phytate Calcium-Inositol-Hexaphosphate * * * Designed to Correct and Prevent Relative Deficiencies and their Consequences Each Tablet Contains 7½ Grains Calcium Phytate, Flavored."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, calcium phytate, had been in part omitted from the article.

Misbranding, Section 403 (a), certain statements in an invoice dated March 13, 1951, accompanying the article, were false and misleading. The statements represented and suggested that the article would be adequate and effective in the prevention and treatment of polio and would effect steady improvement in the general health of the user. The article would not be adequate and effective in the prevention and treatment of polio and would not effect steady improvement in the general health of the user. Further misbranding, Section 403 (a), the label statements "Each Tablet Contains 7½ Grains Calcium Phytate * * * One Tablet furnishes approximately one-fourth of the daily minimum requirements for Calcium and Phosphorous for children as well as adults" were false and misleading since each tablet of the article contained less than 7½ grains of calcium phytate and each tablet would furnish less than one-fourth of the minimum daily requirements of the body for calcium and phosphorus.

The article, together with certain other articles, was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4133.